This is also taken from the Indian Explosives Act, and is very necessary in the circumstances of this country. The definition of "explosives", which we have now adopted, includes gun-powder, fire-works and similar substances which are very commonly used either for preventing the ravages of wild animals in the interior parts of the country or for festive occasions of almost everyday occurrence. It is not intended to place any restriction in such cases. In the absence of the power mentioned in the amendment, it will be necessary for all persons to take out licenses each time, which will doubtless cause a deal of hardship and inconvenience.

Seconded by Mr. Kuruvila.

Carried.

Mr. Kesava Pillai.—I beg to move that the Bill as amended be passed, and that it come into force on the 6th Edavom 1079, *i. e.*, the date on which Regulation I of 1079 passed under the urgency clause will cease to have effect.

The motion was put and agreed to.

BILL FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Mr. Ferguson.—I beg to propose the few verbal amendments of which I have given notice :—

(1) In section 1, clause (2), substitute the words "The Towns Conservancy and Improvement Regulation, 1076" for "Regulation III of 1076."

(2) In section 6, substitute "cause" for "causes" in clause (1), line 6, and "care" for "cure" in clause 2, line 4 and clause 3, line 6; omit the words "under his own charge" in clause (3); and insert the word "the" between "for" and "work" in clause (3), line 9.

(3) In section 8, substitute the word "without" for "except with" and the words "or after" for "and except before."

Seconded by Mr. Govinda Pillai.

Carried.

Mr. Ferguson.—I beg to move that the Bill as amended be passed.

The motion was put and agreed to.

Mr. Ferguson.—It is appropriate that this Bill should be passed at this the last meeting at which I shall be present. I thank the Members of the Council for their kind assistance in enabling me to mould the Bill in such a manner as to safeguard the interests of the people, while affording the necessary relief to the dumb creatures whom the Bill seeks to protect from cruelty.

President.—Mr. Ferguson has done great service to this country in several respects, and the Bill which has now been passed is solely due to his efforts and bears ample testimony to his large-hearted sympathy for "the dumb and defenceless of God's creatures." He is now on the eve of his retirement, and it is pleasing to note that his connection with this Council closes with this measure of charity and mercy.

PLANTERS LABOUR BILL.

Mr. Rajaram Row.—In pursuance of the permission granted me at the last meeting of the Council, I beg now to introduce this Bill. I have nothing to add to what I have said at the last meeting and in the Statement of Objects and Reasons appended to the Bill. I now formally place the Bill before the Council and move that the discussion of the principle be postponed to the next meeting.

The motion was put and agreed to.

BREACH OF CONTRACT REGULATION AMENDMENT BILL.

Mr. Rajaram Row.—This is merely a reproduction of the existing Regulation

LIBRARY ARCHIVES Kerala Legislative Assembly

with the exception of a few provisions which are inconsistent with the scientific arrangement of our Penal and Criminal Procedure Codes. The only point that is new is the provision of a statutory limitation of time for enforcing criminal breaches of contract. I have explained the reasons for introducing this provision in the Statement of Objects and Reasons, and I trust the Council will see no objection to accepting it. I beg, therefore, to move that the principle of the Bill be affirmed.

Mr. Govinda Pillai.—Sir, I approve of the principle of the amendments proposed in the Bill. With your permission, I will make a few observations on one or two points for consideration by the Select Committee.

1. Does the expression "received money in advance" in section 3 cover a balance found due under a settlement of accounts, out of an initial advance? Our High Court has ruled that it does not, in construing the existing law. (14, T. L. R. ap. 30). I suppose the ruling will apply to the phraseology of the Bill also.

2. Can the Magistrate order repayment of the money under section 5 in a case where a civil suit for the same would not be maintainable, for instance, on account of limitation bar? It might appear at first sight that such objections would be covered by the expression "legal excuse" in section 4. But that expression has been held by a Division Bench of the Madras High Court (I. L. R. 11. M. 332) to refer only to the circumstances under which the breach occurred, and not to limitation bar, as to which the learned judges held that limitation is no bar to punishment for an offence. With all deference, it may, however, be doubted whether, under the Act, the order to refund is a punishment for an offence until a penalty is imposed for non-payment of the amount (See I. L. R. 27. Cal. 131, 133). Even if it were, it is still doubtful whether on principle a man can be treated as a criminal for not performing a contract which could not be enforced against him by a civil process. (L. R. 10 Q. B. 97). It is, therefore, a matter for consideration whether, instead of the word "contract" at the beginning of section 4, we should not say "a contract legally enforceable."

3. Are the proceedings of the Magistrate under section 5 capable of revision under the Criminal Procedure Code? The enquiry under section 6 would be such, as it may end in the imposition of a punishment; but the order under section 5 imposes no such punishment (See 27 C. 131). Section 8 of the Bill appears to contemplate such proceedings as criminal enquiries. To make the point clear, it would perhaps be well to prefix an express provision to section 8 to the effect that the proceedings of a Magistrate under section 5, 6 and 7 shall be judicial proceedings under the Criminal Procedure Code.

President.—The points raised by my friend Mr. Govinda Pillai will, I am sure receive due consideration at the hands of the Select Committee to which the Bill will be referred.

The Council having affirmed the principle of the Bill, Mr. Rajaram Row proposed that the Bill be referred to a Select Committee consisting of Messrs. Govinda Pillai, Kesava Pillai, Kuruvila and the Mover, to report within three months.

Seconded by Mr. Nagam Aiya.

Carried.

President.—*Gentlemen*, This being the last meeting over which I preside, I beg to thank you most heartily for your invaluable services to the State and for the uniform courtesy and consideration shown to me by one and all of you. During my long connection with this Council extending over 13 years, what impressed me most is the perfect harmony that has characterized the relations between the official and non-official members. This is mainly due to your intimate knowledge of the manners and customs of the people and of the real needs of the country and to your intense solicitude towards the protection of the interests of the public without unduly hampering the action of the Government and its officers. Judging from the smooth working of the

LIBRARY ARCHIVES Kerala Legislative Assembly

Regulations passed by the Council, you and your predecessors have every reason to be proud of the good work done by the Council in providing the State with laws on many subjects in a form best suited to its requirements. The late lamented Resident Mr. Grigg once observed that the progress of a country depended upon its legislature and the educational policy of its Government. I have no doubt that, if he had lived, he would have felt gratified with the progress hitherto made in legislation, which is due to your intelligence, industry, experience, judgment and, above all, your sympathy with the public weal. On the perusal of the Proceedings of this Council connected with the much contested Religious Endowments Bill introduced by our friend Mr. Nagam Aiya and carried out successfully, a very competent authority complimented the Council on the high level of debate maintained by the official and non-official members. The Council has fully justified its establishment under the auspices of His Highness the Maha Rajah who, with his characteristic foresight and solicitude for public good, has provided the State with a regular constitution for enacting laws.

Gentlemen, allow me to bid you all a cordial and grateful farewell.

Mr. Nagam Aiya.—It is a pain to us, Sir, to think that the day of parting is come, but, as we all know, it must come in any case, whether our partnership is for 5 years or 50. And it devolves on me, as the member who has sat longest with you in this Council, to express the deep regret that my brother-members and myself feel in saying Good-bye to you, for your services as a legislator will remain among the best remembered of those that you have rendered to Travancore. It is not for me, a subordinate, to review your career as Dewan for the last nearly 6 years, but I can, I believe, speak with less reserve of your services to this Council, as a brother-member first and then as our President, from my own personal experience for a period of 12 years, during which I know your intimate knowledge of law added to your courtesy of manner, evenness of temper and natural shrewdness have secured for you a place in our memories not likely to be forgotten in the near future. Every Bill that has been discussed in this Council or passed into law by His Highness the Maha Rajah since your nomination 13 years ago, has received the benefit of your great judicial experience whether as a member of our Select Committees or of the Council itself, as the many Regulations added to our Statute-book since 1891 will bear testimony. I need not tire the Council by enumerating them, but the High Court Regulation I of 1067, the Departmental Enquiries Regulation VI of 1073 and the Wills Regulation VI of 1074 may be cited here as prominent examples. In the Hindu Religious Endowments Regulation, which came into operation last month and with which I have been specially associated as you have been good enough to refer in your speech, it was chiefly owing to your initiative and warm support that the measure was so successfully carried through the Council.

As you are now seeking rest after a long course of arduous public services rendered to our Gracious Sovereign and the British Indian Government, we wish to offer you our felicitations for your health and long life. Though we cannot dispute your right 'to spend the evening of your life' as you yourself propose 'in the service of God as becomes a true Hindu', we trust that the friendships formed and the interests created in this land of your sojourn, where you have spent the best 20 years of your life, will still claim your regard and solicitude. For our part, I assure you that the best wishes of this Council go with you in your retirement.

Mr. Kuruvila.—Sir, your kind reference to the humble services rendered in this Council by the non-official members makes it my duty to add a word of loving and grateful farewell to the eloquent testimony borne to your eminent services by such a competent judge as your honoured colleague Mr. Nagam Aiya.

As the satisfaction in completing a stage of work is more pleasant than the anxious ardour at its commencement, and as refined pleasure combined with public usefulness is not confined to the wielding of worldly authority, I believe that your determination to withdraw from public life at a time when all the laurels available from its experience have been acquired, is a matter more for congratulation than for regret, the more so, as I feel that you are simply changing the direction of your work to a sphere more congenial to your mature tastes, on the attainment of a

LIBRARY ARCHIVES Kerala Legislative Assembly

healthful and vigorous ആഷിംഗ്ടൺ, which you religiously take as the period for regeneration into new surroundings, with their new heaven and new earth, their new pleasures and new duties.

Your goal being thus to forget the past and to press forward to the richest prize open to man, I think it appropriate, now and hereafter, to confine the memory of this solemn leave-taking to the peculiar individuality which you will carry with you into your pious retirement, and for which the responsibility and credit you do not share with others. The suavity and courtesy, the sympathy and consideration, the quick perception and the judicial balancing of conflicting interests, the learning and tact, the openness to conviction and, above all, the religiousness that characterised all your activities and especially your guidance of the discussions in this Council on such important measures as the Penal Code Bill, the Wills Regulation, the Towns Conservancy Regulation, the Devaswom Regulation &c., these traits have always commanded the unfeigned admiration of all those who came in contact with you, and this character will, I am sure, be an inexhaustible mine of wealth, ministering to your happiness wherever you are. If ever the non-official members of this Council have been enabled to bring about any beneficial modifications in the Bills introduced into this Council during your administration, I beg positively to acknowledge that such satisfaction to us was rendered possible mainly by the open-hearted interchange of views which you gave us every opportunity for, in and out of this Council, and by the noble distinction you ever made between dignity and duty, and between firmness and obstinacy.

I beg, therefore, in bidding you farewell, to thank you both personally and on behalf of the non-official members and of the public whom we represent, for all the benefits you have been the instrument of, and to pray that the extraordinary meekness or the predominant സൗമ്യഗുണം that marked your period of public authority may be rewarded with a proportionate length of retired life, attended with all true happiness, even according to the divine promise, "Blessed are the meek, for they shall inherit the earth."

The Council adjourned at 2-30 P. M.

K. KRISHNASWAMY RAO,
President.

LIBRARY ARCHIVES Kerala Legislative Assembly